

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW AND REBECCA CLARK,

Plaintiff,

v.

FIFTH THIRD MORTGAGE
COMPANY and FIFTH THIRD
BANK, N.A.

Defendants. _____/

Case No.: _____

Hon. _____

Jackson County Circuit Court
Case No: 15-499-CH
Honorable John G. McBain

NOTICE OF REMOVAL

Defendants Fifth Third Mortgage Company and Fifth Third Bank (“Defendants”) hereby give notice under 28 U.S.C. §§ 1331 and 1446 of the removal of the above-captioned civil action from the Circuit Court for the County of Jackson, State of Michigan, where it is pending, to the United States District Court, Eastern District of Michigan, Southern Division.

In support of its Notice of Removal, Defendants state:

1. On or about February 25, 2015, Plaintiffs Matthew and Rebecca Clark (“Plaintiffs”) filed a complaint against Defendants in the Circuit Court for the County of Jackson, State of Michigan, docketed as Case No. 15-499-CH (the “Complaint”).

2. The Circuit Court for the County of Jackson is located in the Eastern District of Michigan, Southern Division.

3. The Complaint and Summons were personally served on Defendants on March 10, 2015. A copy of the Complaint and Summons is attached as Exhibit A.

4. The United States District Court for the Eastern District of Michigan has original jurisdiction over this matter under 28 U.S.C. § 1331, which conveys subject matter jurisdiction in cases arising under the laws of the United States. Count II of the Complaint asserts claims based on the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 *et seq.*

5. Defendants' Notice of Removal, filed on March 27, 2015 is timely, as it is filed within thirty (30) days after Defendants were served with the Summons and Complaint. 28 U.S.C. § 1446.

6. Defendants must answer or otherwise respond to the Complaint by April 3, 2015.

7. Defendants, therefore, properly remove the action to this Court under 28 U.S.C. § 1446.

8. Defendants will file a copy of this Notice of Removal with the Clerk of the Court for the Circuit Court for the County Jackson, State of Michigan, promptly after the filing of this Notice of Removal in this Court, and will give

written notice of this Notice of Removal to Plaintiffs, under 28 U.S.C. § 1446(d).

A copy of the Notice of Filing Notice of Removal is attached as Exhibit B.

Dated: March 27, 2015

/s/ Laura N. You

Homayune A. Ghaussi (P63028)

Laura N. You (P76416)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on March 27, 2015, I electronically filed the above Notice of Removal with the Clerk of the Court using the ECF system, and via First Class mail to Steven Ruza at 3050 Union Lake Road, Suite 8F, Commerce Twp., Michigan 48382.

/s/ Valerie Butler

Valerie Butler